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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ILLINOIS COMMERCE COMMISSION,)
)
Complainant,)
)
vs.) No. 10-0537
)
COMMONWEALTH EDISON COMPANY,)
)
Respondent.)

Chicago, Illinois
May 10, 2012

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

TERRANCE HILLIARD, Administrative Law Judge

APPEARANCES:

ILLINOIS COMMERCE COMMISSION, by
MR. JOHN C. FEELEY and
MS. MEGAN McNEIL
160 North LaSalle
Suite C-800
Chicago, Illinois 60601
(312) 793-2877
for Staff of the Illinois Commerce Commission;

1 EIMER STAHL, LLP, by
2 MR. MARK R. JOHNSON
3 224 South Michigan Avenue
4 Suite 1100
5 Chicago, Illinois 60604
6 (312) 660-7600
7 for Commonwealth Edison Company;
8
9 ILLINOIS ATTORNEY GENERAL'S OFFICE, by
10 MS. CATHY C. YU and
11 MS. KAREN L. LUSSON
12 100 West Randolph Street
13 11th Floor
14 Chicago, Illinois 60601
15 (312) 814-1104
16 for Office of the Illinois Attorney General.
17
18
19
20
21 SULLIVAN REPORTING COMPANY, by
22 Auhdikiam Carney, CSR
License No. 084-004658

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
MARTIN FRUEHE	39	46	61	65	
SCOTT TOLSDORF	66	69			88

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
ComEd 1.0, 2.0, 2.1, 2.2, 2.3, 2.4, 3.0, 4.0, 4.1, 5.0, 6.0, 7.0.		
	40	48
Staff Exhibits 2.0, 2.1, 2.4, 4.0, 4.1		
	44	45
Staff Cross Exhibits 1, 2		
	48	60
Staff Cross Exhibit 3		
	61	61

1 JUDGE HILLIARD: On behalf of the Illinois
2 Commerce Commission, I call Docket 10-0537. The
3 Commission on its own motion versus Commonwealth
4 Edison Company reconciliation of revenues collected
5 under Rider EDA with actual costs associated with
6 Energy Efficiency and Demand Response Programs.

7 Will the parties identify themselves
8 for the record, please.

9 MR. FEELEY: Representing Staff of the Illinois
10 Commerce Commission, John Feeley and Megan McNeil,
11 Office of General Counsel, 160 North LaSalle Street,
12 Suite C-800, Chicago, Illinois 60601.

13 MR. JOHNSON: And on behalf of Commonwealth
14 Edison Company, Mark R. Johnson, Eimer Stahl LLP, 224
15 South Michigan Avenue, Suite 1100, Chicago, Illinois
16 60604.

17 MS. YU: On behalf of the Office of the
18 Attorney General, Cathy Yu and Karen Lusson, 100 West
19 Randolph Street, Chicago, Illinois 60601.

20 JUDGE HILLIARD: All right. We have certain
21 matters we can take care of while they're getting
22 their equipment set up down in Springfield. Can we

1 begin with that.

2 MR. JOHNSON: Yes.

3 ComEd calls its first witness,

4 Mr. Martin Fruehe.

5 JUDGE HILLIARD: Everyone who's in the room or

6 can here my voice who is going to be a witness today,

7 please raise your hand to be sworn.

8 (Witnesses sworn.)

9 MARTIN FRUEHE,

10 called as a witness herein, having been first duly

11 sworn, was examined and testified as follows:

12 EXAMINATION

13 BY

14 MR. JOHNSON:

15 Q Mr. Fruehe, would you please state and

16 spell your full name for the record.

17 A Martin Fruehe, M-a-r-t-i-n F-r-u-e-h-e.

18 Q And by whom are you employed?

19 A Commonwealth Edison Company.

20 Q And what is your position there?

21 A I am manager of revenue policy.

22 Q Okay. And before you today I've provided

1 you with two documents, the first of which includes
2 an attachment. And are these documents your
3 previously designated rebuttal and surrebuttal
4 testimony?

5 A Yes.

6 Q Let's turn to your rebuttal testimony,
7 which is designated as ComEd Exhibit 4.0, which
8 constitutes 4 pages of narrative testimony and
9 Exhibit 4.1. Together these exhibits constitute your
10 rebuttal testimony; correct?

11 A That's correct.

12 Q And, Mr. Fruehe, did you prepare or cause
13 to be prepared under your direction or direct
14 supervision and control ComEd Exhibit 4.0?

15 A Yes.

16 Q And are there any additions or corrections
17 that you need to make to Exhibit 4.0?

18 A No.

19 Q And if I were to ask you the same questions
20 as they appear in ComEd 4.0 today, would you give
21 these same answers?

22 A Yes.

1 Q Thank you.

2 Next let's turn to your surrebuttal
3 testimony, which is marked as ComEd Exhibit 6.0 and
4 includes 7 pages of narrative testimony; is that
5 correct?

6 A Yes.

7 Q And did you prepare or cause to be prepared
8 under your direct supervision and control ComEd
9 Exhibit 6.0?

10 A Yes.

11 Q And are there any additions or corrections
12 that you need to make to Exhibit 6.0?

13 A No.

14 Q And if I were to ask you the same questions
15 as they appear in ComEd Exhibit 6.0 today, would you
16 give these same answers?

17 A Yes.

18 Q Thank you.

19 MR. JOHNSON: Your Honor, before moving for
20 admission into evidence of Mr. Fruehe's exhibits, I
21 would also like to identify the other exhibits that
22 ComEd wishes to have admitted into evidence. These

1 include ComEd Exhibit 1.0, which is ComEd's Annual
2 Report to the Illinois Commerce Commission concerning
3 operation of Rider EDA for the period beginning
4 June 1, 2009, and extending through May 31, 2010,
5 filed on e-Docket August 31st, 2010.

6 Next is ComEd Exhibit 2.0, which is
7 the direct testimony of Michael S. Brandt, including
8 Exhibits 2.1 through 2.4 filed on August 31, 2010, on
9 e-Docket. Next is ComEd Exhibit 3.0, which is the
10 rebuttal testimony of Michael S. Brandt filed on
11 February 9th, 2012, on e-Docket. Following that is
12 ComEd Exhibit 5.0, the surrebuttal testimony of
13 Michael S. Brandt filed on April 19th, 2012, on
14 e-Docket. And finally ComEd Exhibit 7.0, the
15 affidavit of Michael S. Brandt filed May 9th, 2012,
16 on e-Docket.

17 And with that I would move for
18 admission into evidence of ComEd Exhibits 1.0, 2.0,
19 2.1, 2.2, 2.3, 2.4, 3.0, 4.0, 4.1, 5.0, 6.0, and 7.0.

20 JUDGE HILLIARD: Any objections?

21 MR. FEELEY: No objection to Mr. Brandt's
22 testimony and no objection to Mr. Fruehe's, subject

1 cross-examination.

2 JUDGE HILLIARD: Subject to cross-examination,
3 ComEd Exhibits 1 -- as enunciated by counsel will be
4 admitted into the record.

5 (Whereupon, ComEd Exhibit Nos.
6 1.0 through 7.0 were admitted
7 into evidence.)

8 MR. JOHNSON: Thank you.

9 MR. FEELEY: Steve, are you guys set?

10 THE WITNESS: No. We're still having technical
11 difficulties down here.

12 MR. FEELEY: Do you want us to do our exhibits
13 that are not being subject to cross?

14 JUDGE HILLIARD: Yes.

15 MS. McNEIL: Megan McNeil on behalf of Staff.
16 At this time Staff would like to move for admission
17 into the record ICC Staff Exhibit 2.0, which was the
18 direct testimony of Jennifer L. Hinman consisting of
19 a cover page, table of contents, 32 pages of
20 questions and answers, and it also included
21 attachments ICC Staff Exhibit 2.1 through 2.4.
22 Staff would also like to note for the

1 record that Ms. Hinman's direct testimony -- or
2 portions of Ms. Hinman's direct testimony were
3 stricken by the ALJ in the ALJ's ruling on November
4 29th, 2011. And then subsequently a corrected ALJ
5 ruling was issued on December 7, 2011, which sets
6 forth the particular lines and pages that were
7 stricken from Ms. Hinman's testimony. On March
8 22nd -- and Ms. Hinman's direct testimony was filed
9 on September 7, 2011, on e-Docket.

10 Staff would also like to move for the
11 admission of the rebuttal testimony of Jennifer L.
12 Hinman, which was filed on March 22nd, 2012, and was
13 marked as ICC Staff Exhibit 4.0 and consisted of a
14 cover page, table of contents, and 6 pages of
15 narrative. In support of Ms. Hinman's direct
16 testimony and rebuttal testimony, Staff had
17 previously filed the affidavit of Jennifer L. Hinman
18 on e-Docket, which was identified as ICC Staff
19 Exhibit 4.1. This was filed on e-Docket on May 8th,
20 2012.

21 With that, Staff moves for the
22 admission of those previously mentioned exhibits.

1 JUDGE HILLIARD: Any objections?

2 MR. JOHNSON: Just subject to the ALJ's ruling

3 on the motion to strike the testimony and -- I guess

4 we don't have cross for Jennifer, so no other

5 objections.

6 JUDGE HILLIARD: Okay. Staff Exhibit 2.0 as

7 redacted and Exhibits 2.1 and 2.4, 4.0, and 4.1 will

8 be admitted into the record.

9 (Whereupon, Staff Exhibit

10 Nos. 2.0, 2.1, 2.4, 4.0, and

11 4.1 were admitted into

12 evidence.)

13 MS. McNEIL: In addition, Judge, Staff would

14 ask you to take administrative notice of Rider EDA,

15 which is a tariff currently on file with the

16 Commission.

17 JUDGE HILLIARD: Do you have any objection to

18 that?

19 MR. JOHNSON: No objection.

20 JUDGE HILLIARD: Okay. Rider EDA will be

21 admitted, subject to administrative notice.

22 So we can begin here?

1 MR. FEELEY: I think we're set.

2 JUDGE HILLIARD: Is that correct, Springfield?

3 We can begin?

4 THE WITNESS: Yes, your Honor.

5 JUDGE HILLIARD: Who's up first?

6 MR. JOHNSON: ComEd tenders Mr. Fruehe for

7 cross-examination.

8 CROSS-EXAMINATION

9 BY

10 MR. FEELEY:

11 Q Good morning, Mr. Fruehe. My name is John

12 Feeley and I represent Staff along with

13 Ms. McNeil. I have a few questions for you.

14 A Good morning.

15 Q If I could direct you to your rebuttal

16 testimony, Pages 5 and 6.

17 A Okay.

18 Q You see in your testimony there that you

19 state that one of the funding key performance

20 indicators, the KPI, is the focussed initiatives and

21 environmental index?

22 JUDGE HILLIARD: What lines are you referring

1 to, John?

2 MR. FEELEY: 108 to 113.

3 JUDGE HILLIARD: Thank you.

4 BY MR. FEELEY:

5 Q Do you see that?

6 A Yes, I do.

7 Q Okay. And you state that KPI includes a

8 measure of energy efficiency savings achieved through

9 ComEd's Energy Efficiency Programs.

10 Do you see that?

11 A Yes.

12 Q And you also state that the efforts and

13 contributions of the employees, including incremental

14 employees, are critical to ensuring ComEd achieves

15 this operation KPI?

16 A That's correct. Yes.

17 Q And you attached to your rebuttal testimony

18 that 2010 AIP, annual incentive plan; correct?

19 A Yes.

20 Q There was also a 2009 Annual Incentive

21 Program; correct?

22 A Yes, there was.

1 Q And both the 2009 and the 2010 have an
2 impact on this Rider reconciliation period; correct?
3 A Yes.
4 MR. FEELEY: Can I approach the witness?
5 JUDGE HILLIARD: Please.
6 This is Cross Exhibit 1?
7 MR. FEELEY: Yes. And this is going to be
8 marked 2.
9 JUDGE HILLIARD: Okay.
10 (Whereupon, Staff Cross Exhibit
11 Nos. 1 and 2 were marked for
12 identification.)
13 MR. FEELEY: Let the record reflect that I've
14 handed to the ALJ, the witness, and counsel two
15 documents. The first which has been marked for
16 identification as ICC Staff Cross Exhibit No. 1, the
17 cover page says, 2009 Annual Incentive Program. And
18 the second document has been marked for
19 identification as ICC Staff Cross Exhibit No. 2 and
20 is identified on the cover page as the 2010 Annual
21 Incentive Program.
22

1 BY MR. FEELEY:
2 Do you have those documents in front of you, Mr.
3 Fruehe?
4 A Yes.
5 Q And actually attached to your rebuttal
6 testimony is your Exhibit 4.1, the 2010 Annual
7 Incentive Program; correct?
8 A That's correct.
9 Q And that I've marked as Staff Cross Exhibit
10 No. 2.
11 So you're familiar with both Staff
12 Cross Exhibit No. 1 and No. 2; correct?
13 A Yes.
14 Q Mr. Fruehe, do you agree that the 2009 AIP
15 plan did not include as part of the focussed
16 initiative and environmental index KPI, any energy
17 savings?
18 A As part of the 2009 plan, no, it did not.
19 Q So the 2009 plan didn't include those; is
20 that correct?
21 A Not specifically, no.
22 Q So you agree that they're not included in

1 the 2009 plan?

2 A The energy efficiency focus initiative was
3 not part of the 2009 plan.

4 Q Okay. And the focused initiatives and
5 environmental index KPI was revised in the 2010 AIP
6 to include the energy savings component; is that
7 correct?

8 A Yes, it was.

9 Q And the goal weighting of the expanded
10 focussed initiative and environmental index KPI under
11 the 2010 AIP plan was 15 percent; is that correct?

12 A Yes, it was.

13 Q If you could look at Page 8 of Staff Cross
14 Exhibit No. 2, the 2010 AIP plan.

15 JUDGE HILLIARD: What page?

16 MR. FEELEY: Page 8.

17 BY MR. FEELEY:

18 Q Do you see in the middle of the page
19 there's a bolded section that says, Focused
20 Initiatives and Environmental Index?

21 A Yes.

22 Q Would you agree that the Focused

1 Initiatives and Environmental Index KPI in the 2010
2 AIP plan consists of specific work plan objectives
3 including the following: 2010 Summer Critical
4 Program; Top Priority Circuit Program; Underground --
5 or URD Cable Program; Distribution Automation;
6 Substation Transformer Maintenance Template Program;
7 Vegetation Management for Distribution and
8 Transmission Program; Revenue Protection Initiative;
9 Smart Meter Customer Satisfaction; Customer Service
10 Technology Improvements; GHG Net Emissions; Net MWH
11 (EEPS) Saved, and Dollars Per KWH (EEPS)?

12 A Yes. That's correct.

13 Q Mr. Fruehe, would you agree that energy
14 efficiency employees do not do underground cable
15 program work?

16 A Yes. I would agree with that.

17 Q Mr. Fruehe, would you also agree that
18 energy efficiency employees do not do substation
19 transformer maintenance work?

20 MR. JOHNSON: I'm just going to object to this.
21 This is subject to him knowing what people do in
22 these different departments because we didn't offer

1 him as a witness to testify about what these
2 different employees might or might not do in these
3 different departments.

4 JUDGE HILLIARD: If he knows the answer, he can
5 answer. Overruled.

6 Go ahead. Answer the question, if
7 you're going to answer it.

8 THE WITNESS: I would say, to my knowledge,
9 these employees do not perform those functions.

10 BY MR. FEELEY:

11 Q Mr. Fruehe, would you also agree that
12 energy efficiency employees do not do vegetation
13 management for distribution and transmission work?

14 A To the best of my knowledge, no, they
15 don't.

16 Q Mr. Fruehe, would you agree that of the 13
17 specific work plan objectives that make up the
18 Focused Initiatives and Environmental Index KPI, only
19 the Net MWH Saved and the Dollars KWH are directly
20 impacted by energy efficiency employees?

21 A I would say in general, yes; but we all
22 play a part in budgeting and keeping costs under

1 control to be able to fund the rest of the
2 initiatives that are listed there.

3 Q Mr. Fruehe, can I direct you to, again, to
4 Page 6 of your testimony, Lines 112 and 113.

5 A Okay.

6 Q You state the following: The efforts and
7 contributions of the employees, including incremental
8 employees, are critical to ensuring ComEd achieves
9 this operation KPI; is that correct?

10 A Yes.

11 Q And the KPI that you're referring to is the
12 measure of energy efficiency savings through ComEd's
13 Energy Efficiency Programs; is that correct?

14 A Yes.

15 Q Mr. Fruehe, would you agree that energy
16 efficiency employees who are not incremental energy
17 efficiency employees, could have an impact on Net MWH
18 Saved and Dollars per KWH?

19 A Can you repeat the question. I believe you
20 said not incremental employees.

21 Q Would you agree that energy efficiency
22 employees who are not incremental energy efficiency

1 employees, could have an impact on the Net MWH Saved
2 and the Dollars per KWH?

3 A I am not that familiar with the employees
4 who are not energy efficiency employees.

5 Q Well, let's look at your testimony there at
6 Lines 112 through 113.

7 When you say the efforts and
8 contributions of the employees including incremental,
9 aren't you just talking about more than just
10 incremental employees?

11 A I think in my testimony here I was
12 clarifying the employees that I was referring to as
13 being the incremental employees, but there may be
14 other employees who perform energy efficiency
15 matters.

16 Q And they have an impact on that KPI, those
17 other nonincremental energy efficiency employees.
18 That's what your testimony is saying there; correct?

19 A Well, like I said, my testimony here, I was
20 referring to the incremental employees; but the other
21 employees may have an impact on energy efficiency
22 goals.

1 Q But in your testimony, you say those other
2 employees are critical to ensuring ComEd achieves
3 that KPI; correct? Are you changing your testimony?

4 A No, I was just clarifying --

5 Q All right. Thank you.

6 Go down to -- I'm sorry -- your
7 surrebuttal testimony, Page 6. I'm looking at the
8 question on Line 115.

9 A Okay.

10 Q On Page 6 of your surrebuttal testimony
11 beginning at Line 115, you address the question of
12 how ComEd's AIP is tailored to energy efficiency
13 employees; is that correct?

14 A Yes.

15 Q And you begin by saying that, Each
16 employee's AIP is subject to an individual multiplier
17 which is based upon how well an employee meets his or
18 her goals in a particular year; is that correct?

19 A Yes. That's what it says.

20 Q And you indicate that if an employee fails
21 to meet his or her goals, his or her compensation
22 will be less than a hundred percent; is that correct?

1 A Yes.

2 Q Mr. Fruehe, would you agree that under the
3 AIP plan, compensation -- strike that.

4 Would you agree that under the AIP
5 plan, the compensation under the AIP, if an employee
6 fails to meet his or her goals, will never be zero?

7 A I wouldn't agree with that.

8 Q All right.

9 JUDGE HILLIARD: When would it be zero?

10 THE WITNESS: If an employee receives a -- what
11 we call "C" rating, in other words, the employees can
12 be rated A, B, or C for the year. An employee with a
13 "C" rating may not receive any incentive
14 compensation.

15 BY MR. FEELEY:

16 Q And you're saying that's per the plan?

17 A I believe so, yes.

18 Q Can you look at Staff Cross Exhibit No. 2.

19 A Okay.

20 Q And if you can look at Page 10.

21 A Okay. I have it.

22 Q On Page 10 is a sample word calculation;

1 correct?

2 A That's correct.

3 Q And it has all the terms, the important

4 terms of the 2010 AIP plan; correct?

5 A That's correct.

6 Q So you're familiar with all the

7 calculations appearing on Page 10?

8 A Yes.

9 Q There's a few steps that are identified on

10 the Page 10; correct? There's Step 1(a), 1(b), 1(c),

11 Step 2, and Step 3; correct?

12 A That's correct.

13 Q If you can look at Step 3, would you please

14 read that.

15 A Step 3 says, Apply the individual

16 performance multiplier to the base award to determine

17 the final AIP award.

18 Q And down below that there's another Step 3.

19 Can you read that.

20 A Step 3 says, Multiply the base award by the

21 IPM, individual performance multiplier. The IPM can

22 range between 50 and 120 percent.

1 Q Nowhere in there does it say multiply it by
2 a percentage of zero, does it?

3 A No, it does not.

4 Q Okay. So according to that formula,
5 someone is always going to get at least 50 percent of
6 the base award; correct?

7 A According to this formula, right.

8 Q And that's the formula in the plan?

9 A Yes, it is.

10 Q Okay. So someone is always going to get
11 some incentive. They're not going to get zero as
12 you've just testified to, are they?

13 A That's correct.

14 Q And can you look at Staff Cross Exhibit
15 No. 1, Page 9 there. Look at Step 3.

16 A Okay.

17 Q Do you have that?

18 A Yes.

19 Q Step 3 on Staff Cross Exhibit No. 1 is
20 exactly the same as Step 3 on Cross Exhibit No. 2;
21 correct?

22 A Yes. That's correct.

1 Q So according to the plan, if there's an
2 employee who is the lowest performing employee, that
3 person would always receive at least a multiplier of
4 50 percent; correct?

5 A That's correct.

6 Q And using Staff -- looking at Staff Cross
7 Exhibit No. 2 in that example there, on Page 10
8 there's a preliminary AIP award of \$6,090.

9 Do you see that?

10 A Yes, I do.

11 Q Okay. So a low performing employee would
12 get 50 percent of that; correct?

13 A Yes. That's correct.

14 Q So they get about \$3,045?

15 A That would be correct.

16 MR. FEELEY: At this time, Staff would move to
17 admit into evidence ICC Staff Cross Exhibit No. 1 and
18 No. 2. No. 1 is the 2009 AIP plan, and No. 2 is the
19 2010 AIP plan.

20 JUDGE HILLIARD: Objection.

21 MR. JOHNSON: No objections, subject to
22 redirect of Mr. Fruehe.

1 JUDGE HILLIARD: Subject to redirect, Staff
2 Cross Exhibits 1 and 2 will be admitted into
3 evidence.

4 (Whereupon, Staff Cross Exhibit
5 Nos. 1 and 2 were admitted into
6 evidence.)

7 MR. FEELEY: And if I can approach the witness
8 and the ALJ. I have one more Staff cross exhibit.

9 (Whereupon, Staff Cross Exhibit
10 No. 3 was marked for
11 identification.)

12 BY MR. FEELEY:

13 Q I've provided to the witness and to the ALJ
14 and the court reporter, a document that I've asked to
15 be marked for identification as Staff Cross
16 Exhibit 3. It's a multi-page document. It's the
17 Company's supplemental response to Staff Data Request
18 ST 2.04 and it has attached to it Supplemental
19 Attachment 1 Public. And I have no questions on this
20 particular Staff Cross Exhibit; but it's my
21 understanding by agreement with the company, they
22 have no objection of this going into evidence if we

1 have no objection to another data request that they
2 will introduce at a later time.

3 JUDGE HILLIARD: Is that correct?

4 MR. JOHNSON: That is correct.

5 THE COURT: Staff Cross Exhibit 3.0 will be
6 admitted into evidence.

7 (Whereupon, Staff Cross Exhibit
8 No. 3.0 was admitted into
9 evidence.)

10 MR. FEELEY: Can we go off the record just for
11 a second.

12 JUDGE HILLIARD: Sure.

13 (Whereupon, a discussion was had
14 off the record.)

15 MR. FEELEY: Staff has no further cross of
16 Mr. Fruehe.

17 JUDGE HILLIARD: Any redirect?

18 MR. JOHNSON: Yes, I do.

19 REDIRECT EXAMINATION

20 BY

21 MR. JOHNSON:

22 Q Mr. Fruehe, Mr. Feeley just asked you some

1 questions about this individual performance
2 multiplier that's reflected in the AIP; is that
3 correct?

4 A Yes.

5 JUDGE HILLIARD: Are you referring to a
6 specific exhibit there?

7 MR. JOHNSON: Yes, I'm actually referring to
8 both Staff Cross Exhibits 1 and 2, and I'll start
9 with Staff Cross Exhibit 2 on Page 6 of that exhibit.

10 JUDGE HILLIARD: All right.

11 BY MR. JOHNSON:

12 Q Mr. Fruehe, did Mr. Feeley ask you about
13 the description of the individual performance
14 multiplier and award range on this page?

15 A No.

16 Q Okay. I'd like for you to read for us the
17 intro sentence there and then the first bullet,
18 please.

19 A Once ComEd's performance is determined, the
20 amounts of your individual award is determined based
21 on your target incentive opportunity and your
22 individual multiplier. First bullet, The annual

1 performance review process determines your individual
2 performance multiplier, IPM, based on your individual
3 performance and your personal contribution to the
4 team during the year. The IPM can range from
5 50 percent to 120 or zero percent relative to your
6 annual performance rating on a 5 point rating scale,
7 A, B+, B, B-, and C.

8 Q Thank you.

9 And can you just summarize for us in
10 your own words how this 5 point rating scale plays
11 into whether you receive a zero percent award or up
12 to 120 percent award.

13 A Yes.

14 Those who have high performance
15 ratings such as a "A" or "B+" are likely to get
16 something above 100 percent. Those with a "B-" to a
17 "C" rating are likely to get something less than 100
18 percent. And, in fact, if you are on a performance
19 improvement plan and receive a "C" rating, you can
20 get zero AIP for the year.

21 Q And now that you've reviewed this language,
22 would you like to correct your testimony that you

1 offered on cross-examination initially with
2 Mr. Feeley?

3 A Yes.

4 Q And what would you like to correct?

5 A I would like to correct the discussion of
6 the 50 percent being the minimum pay out.

7 Q And what, in fact, can be the minimum
8 payout under the AIP?

9 A As it states here, zero percent can be the
10 minimum pay out.

11 Q Thank you.

12 JUDGE HILLIARD: So it could be zero, if you're
13 on a performance improvement plan and you get a "B-"
14 or a "C"; is that right?

15 THE WITNESS: That's correct, your Honor. And,
16 in fact, if I can direct you to the third bullet of
17 that section, it says, You will not receive an award
18 if your year end performance ratings does not meet
19 expectations or its equivalent and you are placed on,
20 but do not successfully complete the performance
21 improvement plan by year end.

22 JUDGE HILLIARD: But if you do get an award,

1 it's going to be a minimum of 50 percent.

2 THE WITNESS: Yes. That's correct.

3 JUDGE HILLIARD: All right.

4 MR. JOHNSON: Your Honor, if I can just ask a

5 follow-up question.

6 BY MR. JOHNSON:

7 Q If you do get an award, does that mean you

8 have to be within that range of grading from A to C?

9 A Yes, you have to be in that -- those are

10 the only ratings. Yes.

11 Q And, Mr. Fruehe, does this same individual

12 performance multiplier feature also appear in what is

13 Staff Cross Exhibit 1, the 2009 Annual Incentive

14 Program?

15 A Yes, it does.

16 Q Thank you.

17 MR. JOHNSON: Nothing further from ComEd.

18 JUDGE HILLIARD: Recross?

19 RECROSS-EXAMINATION

20 BY

21 MR. FEELEY:

22 Q Mr. Fruehe, you can look at Staff Cross

1 Exhibit No. 1, the 2009 AIP plan at Page 5.

2 A Okay.

3 Q In the 2009 plan, there's no language in
4 the plan about a zero percent, is there?

5 A On Page 5, the bottom bullet.

6 Q Do you see the first bullet below
7 individual performance multiplier and award range?
8 The first bullet starts out, The annual performance
9 review process.

10 A Yes, I see that.

11 Q And in there -- in the 2009 plan, the range
12 was from 50 percent to 120 percent. There's no
13 mention in the plan of zero percent, is there?

14 A The second bullet continues on to talk
15 about how you can receive zero percent.

16 Q And on Staff Cross Exhibit No. 2, there's a
17 Footnote 1. Do you see that?

18 A Yes.

19 Q The IPM range for excellent officers and
20 certain senior subsidiary officers.
21 Do you see that?

22 A I see Footnote 1. Yes.

1 Q And their range is 50 percent to
2 110 percent. There is no mention of zero percent for
3 those employees, is there?

4 MR. JOHNSON: I think that mischaracterizes the
5 plan because the footnote --

6 MR. FEELEY: Excuse me.

7 JUDGE HILLIARD: Let him ask his question and
8 you can do what you want on redirect.

9 THE WITNESS: Can you please repeat the
10 question.

11 BY MR. FEELEY:

12 Q Footnote 1 talks about an IPM range for
13 excellent officers and certain senior subsidiary
14 officers being 50 to 110 percent; correct?

15 A That's what Footnote 1 says, yes.

16 Q And there's no mention of a zero percent
17 for those individuals, is there?

18 A I believe it applies -- the other bullets
19 apply to senior executives as well. I don't see
20 anything that says that your bullets exclude senior
21 executives.

22 Q So that footnote has no meaning?

1 Is that what you're saying?

2 A No.

3 Q So the footnote does have a meaning;

4 correct?

5 A Yes. It clarifies the range. If there is

6 going to be a range for a senior executive, it's

7 going to be 50 to 110 percent.

8 Q And according to that footnote, the range

9 for those individuals starts at 50 percent, it

10 doesn't start at zero percent; correct?

11 A Well, this footnote --

12 Q Can you answer the question, please.

13 A The range of the payout, if there is to be

14 a payout just as it says in the footnote in the first

15 bullet, the range is 50 to 120 percent for employees,

16 50 to 110 percent for the excellent officers.

17 MR. FEELEY: That's all I have.

18 JUDGE HILLIARD: Any re-redirect?

19 MR. JOHNSON: Nothing further.

20 JUDGE HILLIARD: Okay.

21 You are excused. Thank you very much.

22 Does the Company have anymore

1 witnesses?

2 MR. JOHNSON: The Company has nothing further,
3 your Honor.

4 JUDGE HILLIARD: Do you have a witness?

5 MS. McNEIL: Yes, Judge.

6 Staff would like to call Scott
7 Tolsdorf.

8 JUDGE HILLIARD: Mr. Tolsdorf, would you take
9 the witness stand, please. I believe you've been
10 previously sworn; is that correct?

11 THE WITNESS: Yes, your Honor.

12 SCOTT TOLSDORF,
13 called as a witness herein, having been first duly
14 sworn, was examined and testified as follows:

15 JUDGE HILLIARD: Do you have preliminary
16 questions for Mr. Tolsdorf?

17 MS. McNEIL: We would like to go over his
18 testimony.

19 JUDGE HILLIARD: Okay.

20

21

22

1 DIRECT EXAMINATION

2 BY

3 MS. McNEIL:

4 Q Mr. Tolsdorf, would you please state your
5 name and spell your last name for the court reporter.

6 A My name is Scott Tolsdorf, T-o-l-s-d-o-r-f.

7 Q Do you have before you a document which has
8 been marked for identification as ICC Staff
9 Exhibit 1.0, which consist of a cover page, 8 pages
10 of narrative testimony, schedules 1.1 through 1.3 and
11 is titled "The Direct Testimony of Scott Tolsdorf"?

12 A Yes, I do.

13 Q Do you also have before you a document
14 which has been marked for identification as ICC Staff
15 Exhibit 3.0, which consists of a cover page,
16 narrative testimony, schedules 3.1 through 3.2, and
17 is titled "The Rebuttal Testimony of Scott Tolsdorf"?

18 A Yes, I do.

19 Q Did you prepare those documents for
20 presentation in this matter?

21 A Yes, I did.

22 Q Do you have any corrections to make to ICC

1 Staff Exhibit 1.0 or 3.0?

2 A No, I do not.

3 Q Is the information contained in ICC Staff

4 Exhibits 1.0 and 3.0 true and correct to the best of

5 your knowledge?

6 A Yes, it is.

7 Q If I were to ask you the same questions

8 today as set forth in ICC Staff Exhibits 1.0 and 3.0,

9 would your responses be the same?

10 A Yes, they would.

11 MS. McNEIL: Your Honor, at this time I would

12 like to move for admission into evidence ICC Staff

13 Exhibits 1.0 and 3.0, including the attached

14 schedules. These documents were filed on e-Docket on

15 September 7th, 2011, and March 22nd, 2012,

16 respectively.

17 JUDGE HILLIARD: Objections?

18 MR. JOHNSON: No objections, subject to cross.

19 JUDGE HILLIARD: Okay. Staff Exhibits 1.0 and

20 3.0, plus attached schedules will be admitted into

21 record.

22

1 (Whereupon, Staff Cross Exhibit
2 Nos. 1.0 and 3.0 were admitted
3 into evidence.)
4 MS. McNEIL: Thank you, your Honor.
5 Mr. Tolsdorf is now available for
6 cross-examination.
7 JUDGE HILLIARD: Proceed, Counsel.
8 MR. JOHNSON: Thank you.
9 CROSS-EXAMINATION
10 BY
11 MR. JOHNSON:
12 Q Good morning, Mr. Tolsdorf.
13 A Good morning.
14 Q My name is Mark Johnson. I'm an attorney
15 representing ComEd in this docket. This morning I
16 would like to ask you some questions regarding your
17 pre-filed testimony in this docket. Just some
18 preliminary questions.
19 Mr. Tolsdorf, is it fair to say that
20 the present case involves the reconciliation of
21 revenues collected under Rider EDA with the actual
22 cost incurred during plan year two?

1 A Yes. That is correct.

2 Q And when we talk about plan year two, we're
3 talking about the period, I believe, that covers
4 June 1, 2009, through May 31, 2010; is that correct?

5 A That is correct.

6 Q And with respect to the actual cost
7 incurred, those costs might include, for example, the
8 cost to implement and administer the Energy
9 Efficiency Programs; is that right?

10 A That's correct.

11 Q Okay. And I believe in your testimony you
12 refer to the employees that work on these Energy
13 Efficiency Programs and whose costs are recovered
14 through Rider EDA as incremental EE employees or
15 energy efficiency employees; is that right?

16 A I believe so, yes.

17 Q And then these employees, these incremental
18 EE employees generally work in the Energy Efficiency
19 Department at ComEd; is that right?

20 A That's correct.

21 Q Okay. And that department at ComEd is just
22 one of several different departments that comprise

1 ComEd; is that correct?

2 A That's correct.

3 Q Okay. So in this docket, if I understand
4 your disallowance correctly, your proposing to
5 disallow approximately \$263,000 of costs that were
6 incurred by ComEd associated with these incremental
7 EE employees; is that right?

8 A That's correct.

9 Q And those costs in particular are the
10 incentive compensation costs that are paid to these
11 incremental EE employees during plan year two; is
12 that correct?

13 A That's correct.

14 Q I'd like to turn to your direct testimony
15 to Page 3, in particular, at Lines 48 through 51. I
16 believe there you claim that these incentive
17 compensation costs should be disallowed because,
18 ComEd has failed to show how its incentive
19 compensation costs relate to energy efficiency or EE
20 or how its annual incentive plan, or AIP, has been
21 tailored for its EE employees as intended by the
22 Commission in the proceeding that established the EE

1 plan for ComEd; is that correct?

2 A That's correct.

3 Q Okay. And then if we just drop down a
4 line, I think, in your direct, the proceedings to
5 which you're referring there, is that the proceeding
6 in Docket No. 10-0570?

7 A Yes.

8 Q And do you know which energy efficiency
9 plan in particular the Commission approved in that
10 order?

11 A Yes, I do.

12 Q And which one was that?

13 A It was the second three-year plan.

14 Q Okay. And do you know what date the
15 Commission issued its order in that docket?

16 A Not off the top of my head.

17 MR. JOHNSON: Okay. I have a cross exhibit for
18 this, but I can also just tell you what it is subject
19 to check.

20 MS. McNEIL: Are you just trying to get the
21 date?

22 MR. JOHNSON: Yeah, December 21st, 2010.

1 MS. McNEIL: If you want to ask him subject to
2 check maybe he can --

3 MR. JOHNSON: Sure.

4 BY MR. JOHNSON:

5 Q Would you accept, Mr. Tolsdorf, subject to
6 check, that the date of that final order is
7 December 21, 2010?

8 A That sounds right, subject to check.

9 Q Thank you.

10 But this docket in particular concerns
11 plan year 2; correct?

12 A Correct.

13 Q Okay. And the plan years that were subject
14 to the order in 10-0570 were plan years 4 through 6;
15 is that correct?

16 A That's correct.

17 Q Okay. And then moving on down to the block
18 quote on Page 3 of your direct testimony, I believe
19 you're quoting this order in support of your
20 disallowance; is that correct?

21 A That's correct.

22 Q Okay. And if I understand your testimony

1 correctly, the bolded language there -- which I'll
2 read -- it says, In ComEd's next reconciliation
3 filing, it should show how its current incentive
4 compensation costs relates to EE or how it is
5 tailored as incentive compensation for these
6 employees.

7 With respect to that language, am I
8 reading your testimony correctly that the
9 Commission's reference in December 2010 to the next
10 reconciliation docket refers to this docket, which
11 was filed four months earlier in August 2010?

12 A No. I think it indicates that the
13 Commission believes that the Company needs to show
14 how incentive compensation relates to energy
15 efficiency. And I was demonstrating that that's the
16 Commission's ideas, not necessarily that it was
17 requiring 10-0537, this docket, to make that showing
18 at the outset.

19 Q Okay. Thank you.

20 All right. Let's move on. I think
21 we're still on Page 3 and moving down. Let's
22 actually move to Page 4. I'm looking at Line 71.

1 I believe here you're testifying that
2 in your view ComEd has not shown that its AIP relates
3 to energy efficiency; is that right?

4 A That's correct.

5 Q And then if I can turn you to the top of
6 Page 5 of your direct, Lines 99 through 103. If you
7 can just read for me Lines 99 through 103, please.

8 A At the beginning of the line or the
9 beginning of the first sentence?

10 Q The beginning of the first sentence is
11 fine.

12 A The AIP used to determine the incremental
13 energy efficiency employees incentive compensation
14 uses metrics such as the frequency and duration of
15 outages. There is no correlation between the
16 duration of an outage and the number of CFLs
17 installed during the program year or any other energy
18 efficiency measure. The incentive compensation cost
19 incurred for the energy efficiency employees should
20 be disallowed from recovery through Rider EDA.

21 Q And then as a basis for your claim or
22 conclusion here, is it correct to assume that you

1 reviewed the annual incentive plans that are at issue
2 in this docket?

3 A Yes, I did.

4 Q And there's two such plans applicable to
5 plan year two; is that correct? It's the one for the
6 2009 calendar year and then the one for the 2010
7 calendar year?

8 A That's correct.

9 Q Okay. And we have two plans because plan
10 year two actually straddles two calendar years; is
11 that correct?

12 A That's correct.

13 Q Okay. And so as a result of your review,
14 your claim is that you found no relation between
15 these AIP plans and energy efficiency; is that
16 correct?

17 A No substantive correlation, correct.

18 Q Although in your direct, you don't use the
19 term "substantive," do you?

20 A I believe I use that term in my rebuttal
21 testimony.

22 Q Okay.

1 MR. JOHNSON: Your Honor, what would you prefer
2 we do with the Staff Cross Exhibits 1 and 2? If I
3 would like to show those to Mr. Tolsdorf, would you
4 like me to just refer to those exhibits or mark them
5 also as ComEd's.

6 JUDGE HILLIARD: They're already in the record.
7 Why don't you refer to Staff Cross Exhibits 1, 2, and
8 3.

9 BY MR. JOHNSON:

10 Q Mr. Tolsdorf, do you have copies of the
11 Staff Cross Exhibits that were used with Mr. Fruehe?

12 A I have copies of the plans.

13 Q I think that will work. I will just refer
14 to the Staff Cross Exhibit numbering.

15 I'd ask you to turn to Staff Cross
16 Exhibit 2, which is ComEd's 2010 Annual Incentive
17 Program.

18 A Okay.

19 Q And is this one of the plans that you
20 reviewed in the course of preparing your testimony?

21 A Yes, it is.

22 Q Okay. And I'd like to just look at Pages 3

1 to 4 in particular. Some of this will be familiar
2 because I believe Mr. Feeley discussed it with
3 Mr. Fruehe.

4 On Pages 3 through 4, the AIP
5 identifies these funding key performance indicators;
6 is that correct?

7 A That's correct.

8 Q And what's your understanding of what a
9 funding key performance indicator is?

10 A My understanding is that those are the
11 metrics used to determine how much incentive
12 compensation will be paid.

13 Q Okay. And then as far as the definition of
14 what comprises these focus initiatives and
15 environmental index, I'd like to turn your attention
16 to the glossary toward the back of the document. I
17 believe it's on Page 8 in particular.

18 A Okay.

19 Q And just in the interest of time, I believe
20 during Mr. Fruehe's cross-examination, these were
21 read into the record. I think there's 13 of these
22 Focused Initiatives and Environmental Index

1 objectives.

2 Do you see those there in the center
3 of Page 8?

4 A I do.

5 Q And would you agree that the final two
6 there that reference to net megawatt hours saved in
7 parenthesis (EPPS) and dollars per kilowatt hour,
8 that those are the energy efficiency related metrics?

9 A Yes, I would agree.

10 Q Okay. And then in your direct testimony,
11 however, you didn't reference these metrics; is that
12 correct?

13 A That's correct.

14 Q Okay. And so I think -- and correct me if
15 I'm wrong -- but you only acknowledged or addressed
16 these in your rebuttal testimony after Mr. Fruehe had
17 raised them in his rebuttal; is that correct?

18 A That's correct.

19 Q Just switching gears a little bit, I think
20 from reading your testimony correctly, including both
21 your direct and rebuttal, that another criticism you
22 had of the AIP was that you didn't believe it was

1 tailored to the incremental EE employees; is that
2 correct?

3 A That's correct.

4 Q Turning back to this Staff Cross Exhibit 2,
5 the 2010 AIP. And, again, I'm probably treading over
6 some ground that Mr. Feeley already covered; but
7 turning to Page 2, is it correct that the AIP award
8 also includes an individual performance multiplier?

9 A That's correct.

10 Q And I believe this performance multiplier
11 is described on Page 6 in some detail. And, in
12 particular, under the heading "Individual Performance
13 Multiplier and Award Range," I was wondering if you
14 could read for us the first sentence and then the
15 first bullet.

16 A The same ones that Mr. Fruehe read?

17 Q Yes.

18 A Sure.

19 Once ComEd's performance is
20 determined, the amount of your individual award is
21 determined based on your target incentive opportunity
22 and your individual performance multiplier. The

1 annual performance review process determines your
2 individual performance multiplier based on your
3 individual performance and your personal contribution
4 to your team during the year. The IPM can range from
5 50 percent to 120 percent or zero percent relative to
6 your annual performance rating on a 5 point rating
7 scale A, B+, B, B-, C.

8 Q Thank you.

9 And is it correct that nowhere in your
10 direct or rebuttal do you address how this individual
11 performance multiplier is tailored to these AIP --
12 that's reflected in the AIP is tailored to these
13 incremental employees?

14 A That's correct.

15 Q And is it also true that nowhere in your
16 direct or rebuttal do you acknowledge that the EE
17 employees incentive compensation is based on his or
18 her individual performance and personal contribution
19 to the EE Team; is that correct?

20 A Would you repeat that question.

21 Q Sure.

22 I'm just confirming that nowhere in

1 your direct or rebuttal do you discuss this
2 individual performance multiplier, and in particular,
3 how an individual EE employee's performance and
4 personal contribution to that team, the Energy
5 Efficiency Team, plays into their award under the
6 AIP?

7 A That's correct.

8 Q And with respect to the second and third
9 bullets under the individual performance multiplier
10 section, I just also wanted to confirm that you don't
11 address those anywhere in your direct or rebuttal
12 testimony; is that correct?

13 A That's correct.

14 Q Okay. Mr. Tolsdorf, switching to a little
15 bit different of a topic, in your rebuttal testimony
16 I believe you addressed a customer benefit issue; is
17 that correct?

18 A That's correct.

19 Q Okay. And in doing so, you cited to a few
20 different Commission orders, I believe, regarding
21 what you believe to be the Commission's policy on the
22 recovery of incentive compensation cost; is that

1 correct?

2 A That's correct.

3 Q Okay. In particular I wanted to look at
4 your rebuttal testimony, I think it's Page 4 and
5 you're citing to the Commission's order in Docket
6 No. 10-0467, which for shorthand I'll just refer to
7 it as ComEd's 2010 rate case order.

8 A That's fine.

9 Q So on Page 4 -- let's see -- I'm looking at
10 lines 81 through 83. If you could just read those
11 for us.

12 A Hold on. I was looking at my direct.

13 What lines again?

14 Q 81 through 83 of your rebuttal.

15 A The Commission has a long standing policy
16 of allowing incentive compensation costs when those
17 costs benefit ratepayers.

18 Q Okay. And in your review of that 2010 rate
19 case order, did the Commission approve the recovery
20 of ComEd's incentive compensation cost under the AIP?

21 A I believe it did.

22 Q Okay.

1 A That was based on energy efficiency
2 employees.

3 Q Right. Because the incremental EE
4 employee's costs are recovered through Rider EDA;
5 correct?

6 A They're supposed to be.

7 Q Okay. And the test year in the 2010 rate
8 case, that was a 2009 test year; is that correct?

9 A That's correct.

10 Q Okay. So the incentive compensation cost
11 incurred under that would be the 2009 AIP were
12 approved as prudent and reasonable and benefiting
13 customers in the 2010 rate case order; is that
14 correct?

15 A That's my understanding.

16 Q Okay. But in this docket you proposed to
17 disallow incentive compensation costs, some of which
18 were incurred under that 2009 AIP plan; correct?

19 A That's correct.

20 Q The final topic I wanted to talk with you
21 about briefly, Mr. Tolsdorf, was just the
22 disallowance in general. If I could turn to Schedule

1 3.2 of your rebuttal, I believe that schedule
2 identifies the disallowance, which I believe it's
3 Line 15, the total Staff adjustment?

4 A That's correct.

5 Q The \$262,929?

6 A Correct.

7 Q And you're not proposing any alternative
8 cost recovering mechanism or docket through which
9 these costs can be recovered; is that correct?

10 A That's correct.

11 Q Okay. And are you generally aware that all
12 of ComEd's incentive compensation costs were
13 recovered during the plan year one docket?

14 A It's my understanding that the issue of
15 incentive compensation was not brought before the
16 Commission in the plan year one docket.

17 Q But there was no disallowance; is that
18 correct?

19 A That's correct.

20 Q Okay. And then with respect to the
21 \$263,000 figure, I understand we have one cross
22 exhibit admitted that ComEd agreed to and there was

1 another exhibit related to that that we also sought
2 to have admitted into evidence, which is ComEd's data
3 request response to ST 1.06. And I believe that was
4 sent down to Springfield in advance and I can give
5 you -- it should be Exhibit E. So if Exhibit E can
6 be presented to Mr. Tolsdorf, we'll pass it out here
7 as well.

8 MR. JOHNSON: May I approach, your Honor.

9 JUDGE HILLIARD: Yes.

10 BY MR. JOHNSON:

11 Q Have you had a chance to look at that
12 exhibit Mr. Tolsdorf?

13 A Yes, I have.

14 Q And does that look familiar? Have you
15 reviewed that before?

16 A Yes.

17 Q Okay. All right. And in this request -- I
18 might have to look over Staff's shoulder because I'm
19 out of copies. But I believe in part the question
20 was Subsection B in particular, ComEd was identifying
21 the amount of incentive comp, if any, included in the
22 total compensation. And ComEd responded in Subpart B

1 with a figure that's \$96,148.06; is that correct?

2 A That's what Part B says.

3 Q Okay. And in your proposed disallowance is
4 \$263,000; is that correct?

5 A My proposed disallowance is to remove the
6 incentive compensation costs that were paid to the 17
7 incremental employees during plan year two.

8 Q But nowhere in your direct or rebuttal
9 testimony did you take issue with the \$96,000 figure;
10 is that correct?

11 A That's correct.

12 Q Okay.

13 MR. JOHNSON: I have no further questions, your
14 Honor.

15 EXAMINATION

16 BY

17 JUDGE HILLIARD:

18 Q Mr. Tolsdorf, what's the difference between
19 the \$96,000 and the \$263,000?

20 A The \$263,000 is what was paid to the
21 individual incremental employees. The \$96,000 is
22 what the Company allocated to the Department. The

1 rest was allocated to other departments and
2 presumably collected through base rates.

3 JUDGE HILLIARD: Thank you.

4 Do you have any redirect for
5 Mr. Tolsdorf?

6 MS. McNEIL: Can we just have a minute to talk
7 with him.

8 JUDGE HILLIARD: Yes.

9 (Whereupon, a discussion was had
10 off the record.)

11 JUDGE HILLIARD: Do you have any redirect?

12 MS. McNEIL: Just a short couple of questions.

13 JUDGE HILLIARD: Okay.

14 REDIRECT EXAMINATION

15 BY

16 MS. McNEIL:

17 Q Mr. Tolsdorf, we've been looking at Staff
18 Cross Exhibit 2, which is the 2010 plan. If I could
19 direct you to Page 10 of the plan.

20 In there if you see it says, The total
21 ComEd funding KPI performance is 58 percent?

22 A Yes. I see that.

1 Q Do the energy efficiencies KPIs have an
2 impact on that number?

3 A They do, but it's negligible at best. That
4 58 percent is based on a focussed initiative
5 environmental index goal weighting of 15 percent.
6 The energy efficiency KPIs represent 2 of 13 plans
7 within that index. So if you apply equal weighting
8 to each of those plans, it's 15 percent of the
9 15 percent or about 2 percent. So the incentive
10 compensation -- about 2 percent of it would be
11 related to energy efficiency, whereas the other 98
12 percent has nothing to do with energy efficiency; but
13 still would be paid to the incremental employees.

14 Q Thank you, Mr. Tolsdorf.

15 MS. McNEIL: That's all the redirect I have.

16 JUDGE HILLIARD: Any recross?

17 MR. JOHNSON: Nothing further.

18 JUDGE HILLIARD: Thank you, Mr. Tolsdorf.

19 You're excused.

20 Do you have anything else?

21 MS. McNEIL: I don't think there's anything
22 else from Staff.

1 MR. JOHNSON: Nothing further. Perhaps off the
2 record we should discuss --

3 JUDGE HILLIARD: Scheduling?

4 MR. JOHNSON: Yes. ComEd, I believe, Cross
5 Exhibit 1 which was Staff Data Request -- response to
6 Staff Data Request ST 1.06, we move for admission of
7 that into evidence.

8 JUDGE HILLIARD: Any objection?

9 MS. McNEIL: No objection.

10 JUDGE HILLIARD: ComEd Cross Exhibit 1 is
11 admitted into evidence.

12 (Whereupon, ComEd Cross Exhibit
13 No. 1 was admitted into
14 evidence.)

15 JUDGE HILLIARD: So is this heard and taken
16 then?

17 MR. JOHNSON: Yes.

18 MS. McNEIL: Yes.

19 Heard and taken.

20 (And those were all the
21 proceedings had.)

22